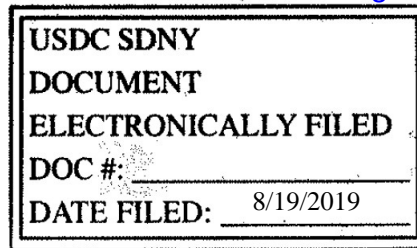


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



IN RE: KEURIG GREEN MOUNTAIN
SINGLE-SERVE COFFEE ANTITRUST
LITIGATION

Case No. 1:14-md-02542-VSB-HBP

This Document Relates to:

ALL ACTIONS

[STIPULATED] ~~[PROPOSED]~~ AMENDED
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER

VERNON S. BRODERICK, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Stipulated Amended Case Management Plan and Scheduling Order:

1. The Preliminary Case Management Plan and Scheduling Orders, dated November 14, 2016 (ECF No. 354-1) and March 8, 2019 (ECF No. 545), shall remain in force and effect, except as provided herein.
2. Without leave of the Court, additional parties must be joined no later than **January 23, 2020**.
3. Fact Discovery
 - a. All fact discovery (including depositions of fact witnesses) shall be completed by **March 19, 2020**.
 - b. Interrogatories (except for contention interrogatories) shall be served no later than **December 19, 2019**.
 - c. Contention Interrogatories and Requests for Admission shall be served no later than **April 9, 2020**.
4. Expert Discovery
 - a. All expert discovery shall be completed by **November 20, 2020**.
 - b. The deadline for parties to disclose the identity of any expert witnesses under Fed. R. Civ. P. 26(a)(2) is **March 31, 2020**. Parties may designate rebuttal expert witnesses consistent with Fed. R. Civ. P. 26(a)(2)(D)(ii) by **April 30, 2020**.
 - c. Any Plaintiff or Counterclaim-Plaintiff that wishes to submit a report from an expert witness must submit that report, as required by Fed. R. Civ. P. 26(a)(2)(B), by **May 20, 2020**.

- d. Any Defendant or Counterclaim-Defendant that wishes to submit a report from an expert witness must submit that report as required by Fed. R. Civ. P. 26(a)(2)(B) by **August 21, 2020**.
 - e. Any Plaintiff or Counterclaim-Plaintiff seeking to submit a response to any report submitted by Defendant or Counterclaim-Defendant on behalf of its expert witness must submit that report by **October 8, 2020**.
 - f. Depositions of expert witnesses shall be completed by **November 20, 2020**. The Parties shall cooperate to schedule depositions during the months of October and November.
 - g. Except by leave of court, each expert witness may be deposed only once.
5. The Court will conduct a post-discovery conference on December 18, 2020 at 3:00 p.m.. ***[To be completed by the Court.]*** No later than fourteen (14) days in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
- a. If either party contemplates filing a dispositive motion, the post-discovery conference will function as a pre-motion conference required by Rule 4.A of the Court's Individual Rules and Practices. Pre-motion letters are to be submitted by _____. ***[To be completed by the Court.]***
 - i. The parties shall meet and confer concerning any issues related to the authentication and admissibility of evidence before dispositive motions are filed.
 - b. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pretrial conference at which a trial date will be set.
6. Class Certification
- a. Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs (together, "Class Plaintiffs") shall file and serve their motions for class certification by **December 17, 2020**.
 - b. Defendants shall file and serve their opposition to class certification by **February 19, 2021**.
 - c. Class Plaintiffs shall file and serve their replies in support of class certification by **April 15, 2021**.
7. Dispositive Motions
- a. All dispositive motions shall be filed and served on **April 16, 2021**. Should either party seek to file a dispositive motion prior to this date, that party must first meet

and confer in good faith with the opposing party to determine whether that issue is appropriately ripe for a dispositive motion.

- b. Opposition to dispositive motions shall be filed by **May 27, 2021**.
- c. Replies to dispositive motions shall be filed by **July 9, 2021**.


8. *Daubert* Motions

- a. All *Daubert* motions relating to Defendant's class certification experts shall be filed by **December 17, 2020**.
 - b. All oppositions to *Daubert* motions relating to Defendant's class certification experts, and all *Daubert* motions relating to Class Plaintiffs' class certification experts, including as to any non-class issues on which such experts opine, shall be filed by **February 19, 2021**.
 - c. All oppositions to *Daubert* motions relating to Class Plaintiffs' class certification experts, including as to any non-class issues on which such experts opine, shall be filed by **April 15, 2021**.
 - d. All *Daubert* motions relating to experts not opining on class certification issues shall be filed by **April 16, 2021**.
 - e. All oppositions to *Daubert* motions relating to experts not opining on class certification issues shall be filed by **May 27, 2021**.
 - f. All replies to *Daubert* motions relating to experts not opining on class certification issues shall be filed by **July 9, 2021**.
 - g. Except by leave of court, each expert witness shall be subject to only one *Daubert* motion.
9. The stipulation and entry of this Case Management Plan and Scheduling Order, and the dates provided herein, are without prejudice to any party's right to seek permission from the Court for modification of the schedule following the disclosure of expert witnesses. After disclosure of expert witnesses, and no later than **May 20, 2020**, the parties shall meet and confer in good faith regarding whether any modifications to the schedule herein are appropriate.
10. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due **April 16, 2021**, or if any dispositive motion is filed, 60 days from the Court's decision on such motion. This case shall be trial ready 120 days from the close of discovery or from the Court's decision on any dispositive motion.
11. Counsel for the parties do not propose an alternative dispute resolution for this case.

12. The length of any trial is yet to be determined.
13. The stipulation and entry of this Case Management Plan and Scheduling Order, and the dates provided herein, are without prejudice to Plaintiffs' and Counterclaim-Plaintiff's right to seek leave of Court to update their damages calculations to the time of trial.
14. Each Plaintiff reserves all rights to join any other motion, opposition or reply filed by any other Plaintiff.

SO ORDERED.

Dated: August 19, 2019
New York, NY


Vernon S. Broderick
United States District Judge